

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
310 W. Wisconsin Avenue  
Room 1180  
Milwaukee, WI 53203  
Phone: 414-297-3315 Fax: 414-297-4299



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## Citation and Notification of Penalty

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**To:**  
Echo Lake Foods Inc.  
and its successors  
33102 South Honey Lake Road  
Burlington, WI 53105

**Inspection Number:** 845383  
**Inspection Date(s):** 01/24/2013 - 06/26/2013  
**Issuance Date:** 07/23/2013

**Inspection Site:**  
33102 S Honey Lake Road  
Burlington, WI 53105

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

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This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/23/2013. The conference will be held by telephone or at the OSHA office located at 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203 on \_\_\_\_\_ at \_\_\_\_\_.

Employees and/or representatives of employees have a right to attend an informal conference.

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**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 845383**

Company Name: Echo Lake Foods Inc.  
Inspection Site: 33102 S Honey Lake Road, Burlington, WI 53105  
Issuance Date: 07/23/2013

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

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Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

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Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

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Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

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Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

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Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

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I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor  
Occupational Safety and Health Administration

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Inspection Date(s): 01/24/2013 - 06/26/2013  
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**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
**Inspection Site:** 33102 S Honey Lake Road, Burlington, WI 53105

**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent):

(a) The path providing access to and egress from the West Engine Room (AKA: M & M Engine Room) was an open-sided platform that was 4 feet above ground level and was not guarded with standard railings, exposing workers to a potential fall hazard.

*Certification, with date and method of abatement required.*

*Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.*

Date By Which Violation Must be Abated: 08/15/2013  
Proposed Penalty: \$4000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
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**Inspection Date(s):** 01/24/2013 - 06/26/2013  
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**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
**Inspection Site:** 33102 S Honey Lake Road, Burlington, WI 53105

**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.24(f): Rise height and tread width were not uniform throughout any flight of stairs including any foundation structure used as one or more treads of the stairs:

(a) The flight of stairs provided for the West Engine Room exit route did not have uniform rise height. The top step had a rise of approximately 12 inches, whereas the bottom step had a rise of approximately 10 inches.

*Certification, with date and method of abatement required.*

*Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.*

Date By Which Violation Must be Abated:	08/15/2013
Proposed Penalty:	\$4000.00

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**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
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**Citation 1 Item 3** Type of Violation: **Serious**

29 CFR 1910.36(g)(4): Objects that projected into the exit route reduced the width of the exit route to less than the minimum width requirements for exit routes:

(a) The exit route from the West Engine Room (AKA: M & M Engine Room) was reduced in width to less than 28 inches because of vessels, piping, and equipment involved with the West anhydrous ammonia system that projected into the exit route. Specifically, the High Temperature Recirculation Tank and the Low Temperature Recirculation Tank, and associated structures were present and encroached upon this exit route.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:	09/06/2013
Proposed Penalty:	\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



U.S. Department of Labor  
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Inspection Number: 845383  
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**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
**Inspection Site:** 33102 S Honey Lake Road, Burlington, WI 53105

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**Citation 1 Item 4** Type of Violation: **Serious**

29 CFR 1910.119(c)(1): The employer did not develop a written plan of action regarding the implementation of employee participation:

(a) East Ammonia Refrigeration System: A written plan had not been established and implemented for employee participation, including methods the employer used to consult with employees on the conduct and development of process hazard analyses, and including provision of employee access to process hazard analyses and to all other information required to be developed under this standard.

*Certification, with date and method of abatement required.*

*Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.*

Date By Which Violation Must be Abated: 08/15/2013  
Proposed Penalty: \$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
**Inspection Site:** 33102 S Honey Lake Road, Burlington, WI 53105

**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.119(d)(2)(i)(C): Process safety information pertaining to the technology of the process did not include the maximum intended inventory:

(a) The employer's maximum intended inventory listed a design charge for the East Engine Room of 9,000 lbs. During the OSHA inspection, the employer disclosed that on April 27, 2012, the East ammonia refrigeration system was (after a complete system pump down) recharged with 9,554 lbs anhydrous ammonia, which exceeded the listed design charge. The employer also disclosed that their ammonia refrigeration system lost approximately 6.5 lbs ammonia per day due to leakage. The East ammonia refrigeration system was additionally charged with 3058 lbs of ammonia on December 27, 2012. After adding this 3058 lbs quantity of ammonia to the system which had contained 9,554 lbs (the quantity charged into it on April 27, 2012) and subtracting the quantity lost due to leakage (approximately 1,560 lbs) during the 240 day time frame, the resultant quantity of ammonia in the system on December 27, 2012 was approximately 11,052 lbs, which exceeded both the listed design charge for the East Engine Room and the threshold quantity listed for anhydrous ammonia in Appendix A of this standard. In summary, the employer's maximum intended inventory for the East Engine Room did not have a factual basis.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:	08/15/2013
Proposed Penalty:	\$7000.00

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 845383  
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**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
**Inspection Site:** 33102 S Honey Lake Road, Burlington, WI 53105

**Citation 1 Item 6** Type of Violation: **Serious**

29 CFR 1910.119(d)(3)(i)(D): The employer did not include, in the process safety information compilation, the relief system design and the design basis:

- (a) With regard to the East anhydrous ammonia refrigeration system at the Burlington facility, the process safety information compilation did not include the design basis for, but not limited to the pressure relief header system, pressure vessels, compressors, evaporators and condensers.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:  
Proposed Penalty:

08/15/2013  
\$7000.00

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**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
**Inspection Site:** 33102 S Honey Lake Road, Burlington, WI 53105

**Citation 1 Item 7** Type of Violation: **Serious**

29 CFR 1910.119(d)(3)(ii): The employer did not document that equipment complies with recognized and generally accepted good engineering practices.

(a) Although the employer did have a document entitled, "Safety System Design - East Compressor Room", which included information regarding actuation of the emergency ventilation system by the ammonia detection system, the provided information was inadequate with regard to its description of the inlet louver, which did not take into account that this was a manually operated louver. According to the provided document, the ventilation system was designed to meet and exceed the requirements of ANSI/IIAR 2 - 1999. However, whereas ANSI/IIAR 2 - 1999 specified that provision shall be made for inlet air to replace that being exhausted, the only provision for inlet air in the East Compressor Room was by means of a manually operated louver, which was normally in the closed position, consisting of a plywood board secured by a locking pin. Since this manually operated louver would not be actuated by the ammonia detection system, in the event of an ammonia release the emergency ventilation system would not function in accordance to the design specifications as described by the document provided by the employer. This condition could result in a hazardous accumulation of ammonia vapor in the East Compressor Room.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

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Date By Which Violation Must be Abated:	08/15/2013
Proposed Penalty:	\$7000.00



### Citation and Notification of Penalty

**Company Name:** Echo Lake Foods Inc.  
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### Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(iv): The process hazard analysis did not address the consequences of failure of engineering and administrative controls.

(a) Process Hazard Analysis (PHA) item #4.13 did not address the consequence of failures of engineering or administrative controls [as referenced in 1910.119(e)(3)(iv)]. PHA #4.13 addressed: "What if there is a high level in the vessel?" The PHA described the resulting scenario: "NH<sub>3</sub> carries over to compressor. Slugging of compressor occurs...resulting in an NH<sub>3</sub> release." Regarding engineering and/or administrative controls, the PHA stated that: "Compressor shutdown interlocks." The consequences of failure of the interlocks to effect compressor shutdown, in the event of a high level in the vessel, were not addressed as required by 1910.119(e)(3)(iv).

(b) Process Hazard Analysis (PHA) item #12.5 did not address the consequence of failures of engineering or administrative controls [as referenced in 1910.119(e)(3)(iv)]. PHA #12.5 addressed: "What if the emergency ventilation system is non-existent, inadequate or inoperable during an emergency situation?" Regarding engineering and/or administrative controls, the PHA stated that "Current ventilation is adequate." However, this PHA did not take into account that the make-up air for the emergency ventilation system in the East Compressor Room depended on a manually operated inlet louver, and thus would not be automatically activated by the ammonia detection system. The consequences of failure of the manually operated inlet louver to be opened, in an ammonia release emergency situation, were not addressed as required by 1910.119(e)(3)(iv).

(c) Process Hazard Analysis (PHA) item #16.8 did not address the consequence of failures of engineering or administrative controls [as referenced in 1910.119(e)(3)(iv)]. PHA #16.8 addressed: "What if ignition sources are present in a machinery/vessel room with an explosive mixture of NH<sub>3</sub>?" Regarding engineering and/or administrative controls, the PHA stated that "Detection and ventilation systems are designed to evacuate NH<sub>3</sub> and shutdown system if necessary." However, this PHA did not take into account that the make-up air for the emergency ventilation system in the East Compressor Room depended on a manually operated inlet louver, and thus would not be automatically activated by the ammonia detection system. The consequences of failure of the manually operated inlet louver to be opened, in an ammonia

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**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
**Inspection Site:** 33102 S Honey Lake Road, Burlington, WI 53105

release emergency situation, were not addressed as required by 1910.119(e)(3)(iv).

(d) Process Hazard Analysis (PHA) item #17.1 did not address the consequence of failures of engineering or administrative controls [as referenced in 1910.119(e)(3)(iv)]. PHA #17 identified a previous ammonia release incident in the East Compressor Room when a shaft seal on #6 Booster leaked, saturating the room with ammonia and the ventilation was inadequate. The PHA indicated that a wall louver, an engineering control, was installed next to #6 Booster, allowing replacement of air being exhausted. Also the PHA indicated the existing engineering controls included an ammonia detection system that would activate the ventilation, and that no further mitigation action was required. However, this PHA did not take into that the referenced wall louver required manual operation, and thus would not be automatically be activated by the ammonia detection system. The consequences of failure of the manually operated inlet louver to be opened, in an ammonia release emergency situation, were not addressed as required by 1910.119(e)(3)(iv).

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:	08/15/2013
Proposed Penalty:	\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
**Inspection Site:** 33102 S Honey Lake Road, Burlington, WI 53105

**Citation 1 Item 9** Type of Violation: **Serious**

29 CFR 1910.119(e)(5): The employer did not assure that PHA recommendations were resolved in a timely manner:

The following items were not corrected as soon as possible:

(a) PHA 4.8 relating to the hazard of external corrosion on vessels listed the corrective action as "Ensure mechanical integrity inspections include vessel inspection." The original due date of 11/30/2012 was extended to 5/1/2013 and the item status was listed as: "In progress."

(b) PHA 5.6, relating to the hazard of additional weight of ice on evaporator breaks/deflects structural support listed corrective action as "Ensure mechanical integrity inspections include evaporator support inspections." the original due dated of 11/30/12 was extended to 5/1/13, and the item status was listed as: "In progress."

(c) PHA 7.1, relating to the hazard of external corrosion on ammonia pump piping, listed the corrective action as: "Ensure MI inspections address piping conditons." The original due date of 11/30/2012 was extended to 5/1/2013 and the item status was listed as: "In progress."

(d) PHA 7.14, relating to the hazard of pump valves left in the shut or open position for a long period of time without cycling, listed corrective action as "Add valve inspections to PM system." The original due date of 8/30/2012 was extended to 5/1/2013 and the item status was listed as: "Incomplete."

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

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Date By Which Violation Must be Abated: 08/15/2013  
Proposed Penalty: \$7000.00



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
**Inspection Site:** 33102 S Honey Lake Road, Burlington, WI 53105

**Citation 1 Item 10** Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(i)(B): The employer did not develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and did not address normal operations:

- (a) Operating procedures for East Engine Room compressor C-1 did not include detailed procedures for oil draining operations suitable for its drain point.
- (b) Operating procedures for East Engine Room compressor C-2 did not include detailed procedures for oil draining operations suitable for its drain point.
- (c) Operating procedures for East Engine Room compressor C-3 did not include detailed procedures for oil draining operations suitable for its drain point.
- (d) Operating procedures for East Engine Room compressor C-4 did not include detailed procedures for oil draining operations suitable for its drain point.
- (e) Operating procedures for East Engine Room compressor C-5 did not include detailed procedures for oil draining operations suitable for its drain point.
- (f) Operating procedures for East Engine Room compressor C-6 did not include detailed procedures for oil draining operations suitable for its drain point.
- (g) East Ammonia System: The operating procedure for the East HTR Oil Pot V-4 did not include detailed procedures for oil draining operations suitable for its drain point.

*Certification, with date and method of abatement required.*

*Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.*

Date By Which Violation Must be Abated: 08/15/2013  
Proposed Penalty: \$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.





**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

**Citation 1 Item 11 a Type of Violation: **Serious****

29 CFR 1910.119(g)(1)(i): The employer did not train each employee before being involved in operating a newly assigned process in the operating procedures as specified in paragraph (f) of this section:

(a) East Ammonia Refrigeration System: Adequate training was not provided and documented regarding operating procedures for processes and ammonia refrigeration equipment. Nor was adequate training provided and documented regarding operational phases, operational limits and safety and health considerations.

(b) Adequate training was not provided to workers performing daily rounds, during which observations and readings were taken on various process equipment in the East Ammonia System. For example, the training provided to these workers did not cover the consequences of deviation from operational limits for the process equipment.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

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**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
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**Citation 1 Item 11 b** Type of Violation: **Serious**

29 CFR 1910.119(g)(3): 29 CFR 1910.119(g)(3): The employer did not maintain a record of training for employees operating a covered process:

- (a) The employer provided operating procedures for ammonia refrigeration equipment, but did not provide any documentation of training for the operators.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

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**Company Name:** Echo Lake Foods Inc.  
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**Citation 1 Item 12** Type of Violation: **Serious**

29 CFR 1910.119(j)(2): The employer did not establish or implement written procedures to maintain the on-going integrity of process equipment.

(a) East Ammonia Refrigeration System: Written procedures to maintain the on-going integrity of process equipment had not been implemented for equipment such as but not limited to pressure vessels, piping systems, pressure relief systems and emergency control systems.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

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**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
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**Citation 1 Item 13** Type of Violation: **Serious**

29 CFR 1910.119(l)(2): Management of change procedures did not assure that the considerations required by (l)(2)(1) through (l)(2)(v) were addressed prior to any change:

(a) For example, in April 2012, two smaller condensers atop the East Compressor Room were replaced by a large roof-top condenser, but no management of change was conducted to evaluate the considerations required by (l)(2)(i) through (l)(2)(v).

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

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**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
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**Citation 1 Item 14** Type of Violation: **Serious**

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

(a) In the area of the West Engine Room workers' eyes and bodies were potentially exposed to anhydrous ammonia, a corrosive chemical. Yet no suitable emergency eyewash and safety shower were provided in the area of the West Engine Room. For example, there was no emergency eyewash and safety shower installed just outside the engine room's exit door (in accordance with IIAR Bulletin 109).

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated: 08/15/2013  
Proposed Penalty: \$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 845383  
**Inspection Date(s):** 01/24/2013 - 06/26/2013  
**Issuance Date:** 07/23/2013



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods Inc.  
**Inspection Site:** 33102 S Honey Lake Road, Burlington, WI 53105

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**Citation 1 Item 15** Type of Violation: **Serious**

29 CFR 1910.305(b)(2)(i): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

(a) On or around January 24, 2013, in the East Engine Room, covers for several electrical switches on the Vilter #5 Low Stage Compressor were not in place (covers had previously been removed to enable replacement of these switches, although the maintenance activity was not ongoing). The circuit breaker controlling power to these switches was in the off position, but no lockout device had been affixed to the circuit breaker by the authorized employee.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5000.00

A handwritten signature in black ink, appearing to read "Christine Zortman".

**Christine Zortman**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
310 W. Wisconsin Avenue  
Room 1180  
Milwaukee, WI 53203  
Phone: 414-297-3315 Fax: 414-297-4299



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Echo Lake Foods Inc.  
**Inspection Site:** 33102 S Honey Lake Road, Burlington, WI 53105  
**Issuance Date:** 07/23/2013

<b>Summary of Penalties for Inspection Number</b>	<b>845383</b>
<b>Citation 1, Serious</b>	<b>\$89000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$89000.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount

becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



**Christine Zortman**

Area Director



Date



**U.S. Department of Labor**  
Occupational Safety and Health Administration  
310 W. Wisconsin Avenue  
Room 1180  
Milwaukee, WI 53203  
Phone: 414-297-3315 Fax: 414-297-4299



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## Citation and Notification of Penalty

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**To:**  
Echo Lake Foods, Inc.  
and its successors  
33102 S. Honey Lake Road  
Burlington, WI 53105

**Inspection Number:** 860583  
**Inspection Date(s):** 01/31/2013 - 06/26/2013  
**Issuance Date:** 07/23/2013

**Inspection Site:**  
2319 Raymond Ave.  
Franksville, WI 53126

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

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This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/23/2013. The conference will be held by telephone or at the OSHA office located at 310 W.

Wisconsin Avenue, Room 1180, Milwaukee, WI 53203 on \_\_\_\_\_ at

\_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 860583**

Company Name: Echo Lake Foods, Inc.  
Inspection Site: 2319 Raymond Ave., Franksville, WI 53126  
Issuance Date: 07/23/2013

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 310 W. Wisconsin Avenue, Room 1180, Milwaukee, WI 53203**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 860583  
Inspection Date(s): 01/31/2013 - 06/26/2013  
Issuance Date: 07/23/2013



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1910.119(d)(3)(i)(D): The employer did not include, in the process safety information compilation, the relief system design and the design basis.

(a) North Ammonia System: Process Safety Information (PSI) for the Relief System Design and Design Basis was not compiled to outline the relief capacity of the system. Additionally, expansion of the ammonia refrigeration system in 2010, 2011 and 2012 did not include relief system design and design basis.

(b) South Ammonia System: Process Safety Information (PSI) for the relief system design and design basis was not compiled to outline the relief capacity of the system.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:  
Proposed Penalty:

09/09/2013  
\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 860583  
Inspection Date(s): 01/31/2013 - 06/26/2013  
Issuance Date: 07/23/2013



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.119(d)(3)(ii): The employer did not document that equipment complies with recognized and generally accepted good engineering practices.

(a) South Ammonia Machine Room: Emergency mechanical ventilation ducted outside of the machine room was not designed according to recognized and generally accepted good engineering practices (RAGAGEP). Emergency ventilation discharge was directed downward and into the pathway of egress from the machine room instead of being discharged upwards.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated: 09/09/2013  
Proposed Penalty: \$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 860583  
**Inspection Date(s):** 01/31/2013 - 06/26/2013  
**Issuance Date:** 07/23/2013



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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**Citation 1 Item 3** Type of Violation: **Serious**

29 CFR 1910.119(e)(1): The employer did not perform an initial process hazard analysis (hazard evaluation) on processes covered by 29 CFR 1910.119

(a) North Ammonia System: An initial process hazard analysis was not completed for the north ammonia system.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:	09/09/2013
Proposed Penalty:	\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 860583  
Inspection Date(s): 01/31/2013 - 06/26/2013  
Issuance Date: 07/23/2013



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

**Citation 1 Item 4 a Type of Violation: **Serious****

29 CFR 1910.119(e)(3)(iii): The process hazard analysis did not address engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases.

(a) South Ammonia System: The PHA does not address the engineering and/or administrative controls used to assure that the volume/level in specific equipment does not exceed limits. The engineering and administrative controls section generically referred to early detection methodologies as system safeties. The actual safety controls applied to the equipment or process were not specified, such as the type of level control used to warn of a high level of liquid.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated: 09/09/2013  
Proposed Penalty: \$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 860583  
Inspection Date(s): 01/31/2013 - 06/26/2013  
Issuance Date: 07/23/2013



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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**Citation 1 Item 4 b** Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(v): The process hazard analysis did not address facility siting.

(a) South Ammonia System: Facility siting was identified as item 16 within the June 2012 process hazard analysis (PHA). All questions identified within the facility siting evaluation were not completed to assess hazards with respect to positioning of employees and potential areas of ammonia releases. Examples are, but are not limited to: (1) access and egress from facilities for maintenance and emergencies, (2) housekeeping operations, (3) safety systems such as discharge of emergency ventilation exhaust, opening of pressure relief valves, safety shower and gas detector location, and (4) Are ammonia release points located away from public access roads and vehicular traffic within the plant.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:

09/09/2013

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 860583  
**Inspection Date(s):** 01/31/2013 - 06/26/2013  
**Issuance Date:** 07/23/2013



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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Citation 1 Item 4 c Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(vi): The process hazard analysis did not address human factors.

(a) South Ammonia System: Human factors was identified as item 17 within the June 2012 process hazard analysis (PHA). Questions were not developed to evaluate and consider the human factors impact on the operation of the covered process.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:

09/09/2013

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 860583  
**Inspection Date(s):** 01/31/2013 - 06/26/2013  
**Issuance Date:** 07/23/2013



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.119(e)(5): The employer did not document what actions were to be taken to resolve PHA recommendations.

(a) Process Hazard Analysis (PHA) recommendations for the south ammonia refrigeration system were not addressed and resolved for all recommendations identified within the 2012 PHA. The following recommendations were not addressed and resolved:

- Item 1.7 Compressors
- Item 4.12 Pressure Vessels
- Item 15.10 and 15.11 Human Factors and Operator Process Interface

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:	09/09/2013
Proposed Penalty:	\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



### Citation and Notification of Penalty

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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Citation 1 Item 6    Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(i)(B): The employer did not develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and did not address normal operations.

A specific procedure for each oil drain point on the ammonia refrigeration system was not developed to detail the draining operation. The lack of detailed procedures for oil draining operations, as referenced in the instances below, potentially exposed workers to injury from contact with anhydrous ammonia which could be released from the system during oil draining operations.

- (a) North Ammonia System: An oil draining procedure was not developed for draining oil from oil pot V-2A.
- (b) North Ammonia System: An oil draining procedure was not developed for draining oil from oil pot V-3A.
- (c) North Ammonia System: An oil draining procedure was not developed for draining oil from oil pot V-4A.
- (d) South Ammonia System: An oil draining procedure was not developed for draining oil from oil pot V-203A.
- (e) South Ammonia System: An oil draining procedure was not developed for draining oil from oil pot V-204A.
- (f) South Ammonia System: An oil draining procedure was not developed for draining oil from oil pot V-205A.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated: 09/09/2013  
Proposed Penalty: \$5000.00

Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(ii): 29 CFR 1910.119(f)(1)(ii): The employers written operating procedures did not address the requirements for the operating limits listed in 29 CFR 1910.119(f)(1)(ii)(A) and (B):

(a) North Ammonia System: Evaporator Cooling Unit EV-1 safety systems as outlined in procedure YOR-OP-026 did not list High suction pressure alarm set point.

(b) North Ammonia System: Evaporating Cooling Unit EV-2 safety systems as outlined in procedure YOR-OP-027 did not list high suction pressure alarm set point.

(c) North Ammonia System: Evaporator Cooling Unit EV-3 safety systems as outlined in procedure YOR-OP-028 did not list High suction pressure alarm set point.

(d) North Ammonia System: Evaporator Cooling Unit EV-4 safety systems as outlined in procedure YOR-OP-029 did not list High suction pressure alarm set point.

(e) North Ammonia System: Evaporator Cooling Unit EV-5 safety systems as outlined in procedure YOR-OP-030 did not list High suction pressure alarm set point.

(f) North Ammonia System: Evaporator Cooling Unit EV-6 safety systems as outlined in procedure YOR-OP-031 did not list High suction pressure alarm set point.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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- (g) North Ammonia System: Evaporator Cooling Unit EV-7 safety systems as outlined in procedure YOR-OP-032 did not list High suction pressure alarm set point.
- (h) North Ammonia System: Evaporator Cooling Unit EV-8 safety systems as outlined in procedure YOR-OP-033 did not list High suction pressure alarm set point.
- (i) North Ammonia System: Evaporator Cooling Unit EV-9 safety systems as outlined in procedure YOR-OP-034 did not list High suction pressure alarm set point.
- (j) North Ammonia System: Evaporator Cooling Unit EV-10 safety systems as outlined in procedure YOR-OP-035 did not list High suction pressure alarm set point.
- (k) North Ammonia System: Evaporator Cooling Unit EV-11 safety systems as outlined in procedure YOR-OP-036 did not list High suction pressure alarm set point.
- (l) North Ammonia System: Evaporator Cooling Unit EV-12 safety systems as outlined in procedure YOR-OP-037 did not list High suction pressure alarm set point.
- (m) North Ammonia System: Evaporator Cooling Unit EV-1 safety systems as outlined in procedure YOR-OP-038 did not list High suction pressure alarm set point.
- (n) North Ammonia System: V-2 Intercooler safety systems as outlined in procedure YOR-OP-045 did not list level controller and float switch high level alarm and low level alarm set points.
- (o) North Ammonia System: V-3 -40 Recirculator safety systems as outlined in procedure YOR-OP-044 did not list level controller and float switch high level alarm and low level alarm set points.
- (p) North Ammonia System: V-4 -10 Recirculator safety systems as outlined in procedure YOR-OP-047 did not list level controller and float switch high level alarm and low level alarm set points.
- (q) North Ammonia System: North Purger ARP-201 safety systems as outlined in operating procedure did not list level controller and float switch alarm set points.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 860583  
**Inspection Date(s):** 01/31/2013 - 06/26/2013  
**Issuance Date:** 07/23/2013



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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(r) North Ammonia System: Operation of Wall Tank #1 safety systems as outlined in procedure YOR-OP-026 did not list high suction pressure alarm set point.

(s) North Ammonia System: Operation of Chiller #1 operating procedure safety systems as outlined in procedure YOR-OP-049 did not list High suction pressure alarm set point.

(t) North Ammonia System: Operation of Chiller #2 operating procedure safety systems as outlined in procedure YOR-OP-048 did not list High suction pressure alarm set point.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:	09/09/2013
Proposed Penalty:	\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 860583  
**Inspection Date(s):** 01/31/2013 - 06/26/2013  
**Issuance Date:** 07/23/2013



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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**Citation 1 Item 8** Type of Violation: **Serious**

29 CFR 1910.119(h)(2)(v): The employer did not periodically evaluate the performance of contract employers to ensure they are fulfilling their obligations as specified in 29 CFR 1910.119(h)(3).

(a) An evaluation of contractor performance while conducting maintenance and repair activities on the ammonia refrigeration system was not accomplished to ensure the contract employees are following safety rules and established work procedures.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:  
Proposed Penalty:

09/09/2013  
\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



### Citation and Notification of Penalty

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

#### Citation 1 Item 9 a Type of Violation: **Serious**

29 CFR 1910.119(j)(4)(i): The employer did not perform inspection and tests on process equipment

Inspection frequency of ammonia pumps and motors did not follow established monthly inspection intervals as established by the company's adopted recognized and generally accepted good engineering practices (RAGAGEP), International Institute of Ammonia Refrigeration (IIR) Bulletin 110 and manufacturers recommendations. The inspections of ammonia pumps, motors and safety controls were not documented as being performed. The following identified ammonia pumps and motors that had not been documented as being performed.

- (a) North Ammonia Refrigeration System: East Ammonia Pump, Asset ID ELY0062 did not have inspection and testing documentation available.
- (b) North Ammonia Refrigeration System: West Ammonia Pump, Asset ID ELY0063 did not have inspection and testing documentation available.
- (c) North Ammonia Refrigeration System: South Ammonia Pump, Asset ID ELY0066 did not have inspection and testing documentation available.
- (d) North Ammonia Refrigeration System: North Ammonia Pump, Asset ID ELY0067 did not have inspection and testing documentation available.
- (e) North Ammonia Refrigeration System: C-1 Motor, Asset ID ELY0069 did not have inspection and testing documentation available.
- (f) North Ammonia Refrigeration System: C-2 Motor, Asset ID ELY0071 did not have inspection and testing documentation available.
- (g) North Ammonia Refrigeration System: North Ammonia Detection Panel, Asset ID ELY0129 did not

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 860583  
Inspection Date(s): 01/31/2013 - 06/26/2013  
Issuance Date: 07/23/2013



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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have inspection and testing documentation available.

(h) North Ammonia Refrigeration System: North Ammonia Detection Panel, Asset ID ELY0131 did not have inspection and testing documentation available.

(i) North Ammonia Refrigeration System: North emergency exhaust axial fan, Asset ID ELY0139 did not have inspection and testing documentation available.

(j) South Ammonia Refrigeration System: East Ammonia Pump ARP-201, Asset ID ELY0149 did not have inspection and testing documentation available.

(k) South Ammonia Refrigeration System: West Ammonia Pump ARP-202, Asset ID ELY0150 did not have inspection and testing documentation available.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:  
Proposed Penalty:

09/09/2013  
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



### Citation and Notification of Penalty

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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#### Citation 1 Item 9 b Type of Violation: **Serious**

29 CFR 1910.119(j)(4)(iv): The employer did not document each inspection and test that had been performed on process equipment. The documentation did not identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test.

Inspection and test documentation for ammonia refrigeration equipment was incomplete. The documentation did not identify the person(s) who performed the inspection or test, the inspection or test performed, results of the inspection or test and corrective actions taken for deficiencies identified during the inspection or test. The following ammonia equipment listed identifies incomplete documentation of inspection and test data.

(a) North Ammonia Refrigeration System, Compressor C-6, Asset ID ELY0033: Inspection documentation did not identify the person(s) who performed the inspection or test, results of the inspection or test and corrective actions taken for deficiencies identified during the inspection or test. Inspection completed on April 8, 2013.

(b) North Ammonia Refrigeration System, Compressor C-7, Asset ID ELY0034: Inspection documentation did not identify the person(s) who performed the inspection or test, results of the inspection or test and corrective actions taken for deficiencies identified during the inspection or test. Inspection completed on April 8, 2013.

(c) North Ammonia System, Compressor C-8, Asset ID ELY0035: Inspection documentation did not identify the person(s) who performed the inspection or test, results of the inspection or test and corrective actions taken for deficiencies identified during the inspection or test. Inspection completed on April 8, 2013.

(d) North Ammonia Refrigeration System, Frigo East Freezer, Asset ID ELY0039: Inspection documentation did not identify the person(s) who performed the inspection or test, results of the inspection or test and corrective actions taken for deficiencies identified during the inspection or test. Inspection completed on April 8, 2013.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 860583  
Inspection Date(s): 01/31/2013 - 06/26/2013  
Issuance Date: 07/23/2013



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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(e) South Ammonia Refrigeration System: The -10 Recirculator V-204, Asset ID ELY0034; Inspection documentation did not identify the person(s) who performed the inspection or test, results of the inspection or test and corrective actions taken for deficiencies identified during the inspection or test. Inspection completed on April 8, 2013.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated: 09/09/2013

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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**Citation 1 Item 10** Type of Violation: **Serious**

29 CFR 1910.119(l)(2): Management of change procedures did not assure that the considerations required by (l)(2)(i) through (l)(2)(v) were addressed prior to any change.

(a) North Ammonia Refrigeration System: A management of change (MOC) was not conducted for 2010 ammonia system expansion. The expansion increased the maximum intended inventory of the ammonia refrigeration system over the 10,000 lbs. threshold quantity (TQ).

(b) North Ammonia Refrigeration System: A management of change (MOC) was not conducted for the 2011 ammonia refrigeration system expansion. Several pieces of equipment were added to the system such as compressors, condensers, and evaporators.

(c) A management of change was not conducted for the north ammonia refrigeration system to assess and consider the impact of the construction and operation of the south ammonia system on the north system. Items to consider in the MOC would be facility siting in relation to the north system; emergency response changes, type of safety systems to be installed, changes in operating procedures. These are some of the impacts to be evaluated in an MOC.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:	09/09/2013
Proposed Penalty:	\$7000.00

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 860583  
**Inspection Date(s):** 01/31/2013 - 06/26/2013  
**Issuance Date:** 07/23/2013



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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**Citation 1 Item 11** Type of Violation: **Serious**

29 CFR 1910.147(c)(6)(ii): The employer did not certify that periodic inspections of the energy control procedures had been performed:

- (a) Periodic inspection of the energy control procedure(s) was not certified as being accomplished.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:	09/09/2013
Proposed Penalty:	\$3000.00

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 860583  
Inspection Date(s): 01/31/2013 - 06/26/2013  
Issuance Date: 07/23/2013



**Citation and Notification of Penalty**

**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126

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**Citation 2 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1910.119(f)(3): The employer did not annually certify that operating procedures were current and accurate.

(a) North Engine Room: Operating procedure for compressor C-9 was last certified in February of 2012. The procedure had not been certified as of May 2013.

(b) North Engine Room: Operating procedure for Compressor C-10 was last certified in February of 2012. The procedure had not been certified as of May 2013.

(c) North Ammonia System: Operating procedure for Evaporative Condenser EC-1A was last certified in March of 2012. The procedure had not been certified as of May 2013.

(d) North Ammonia System: ECHO Lake Foods Overall System Operation Procedure was last certified in July of 2011. The procedure has not been certified as of May 2013.

***ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM***

***Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.***

Date By Which Violation Must be Abated:  
Proposed Penalty:

10/22/2013  
\$0.00

A handwritten signature in black ink, appearing to read "Christine Zortman".

Christine Zortman  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**U.S. Department of Labor**  
Occupational Safety and Health Administration  
310 W. Wisconsin Avenue  
Room 1180  
Milwaukee, WI 53203  
Phone: 414-297-3315 Fax: 414-297-4299



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Echo Lake Foods, Inc.  
**Inspection Site:** 2319 Raymond Ave., Franksville, WI 53126  
**Issuance Date:** 07/23/2013

<b>Summary of Penalties for Inspection Number</b>	<b>860583</b>
<b>Citation 1, Serious</b>	<b>\$61000.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$61000.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all

penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

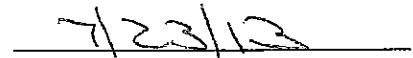
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



**Christine Zortman**

Area Director



Date